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a ring connected to said shank, said ring being positioned relative to said shank and adapted to secure said shank to a midsection of the physician's finger.

2. (Amended) The amniotic sac-rupturing device of claim 1, wherein said point is formed at [the] a tip of a hook having a shielded cutting edge.

REMARKS

Claims 1-3 are pending but stand rejected on multiple grounds. Amendments have been made to claims 1 and 2 for purposes of clarity.

Indefiniteness

Claims 1-3 stand rejected as indefinite under 35 U.S.C. 112, second paragraph. Applicant appreciates the careful review of the language and respectfully submits that the foregoing amendments obviate such rejections without changing the substantive scope of the claims. Withdrawal of the §112 rejections is requested.

Anticipation

Claims 1-3 stand rejected under 35 U.S.C. §102, as allegedly being anticipated by *Shubert*. Anticipation requires that each and every element -- including *all* limitations -- be found, either expressly or inherently, in a single prior art reference. Under the proper analysis, as set out below, Applicant respectfully submits that *Shubert* does *not* meet the requisite requirements for anticipation of claim 1. Claims 2 and 3 depend from claim 1 and therefore are likewise not anticipated by *Shubert*.

Amongst other unique limitations, claim 1 recites a rearward facing sharp point mounted on the distal end of the device's shank, suitable for puncturing the amniotic sac. With reference to the embodiment of Figs. 1 and 2A, Applicant's specification defines a rearward orientation as one that "generally faces base handle 11, away from the tip 20 of distal end 18." Such "rearward" orientation is particularly beneficial to guard against inadvertent snagging while inserting device 10 in the vaginal passage.

Granted, *Shubert* appears to disclose an amniotic sac-rupturing device. However, *Shubert*'s description clarifies that its cutter element 30 is not rearward facing. To the contrary, *Shubert* discloses an instrument wherein its rear end has a "direction indicating portion 36" that

indicates the “general direction of the cutting teeth 32” – not toward that rear end – but away, in a direction generally perpendicular to the flexible rod or wire that spans between the base and the cutter. [Col. 2, lines 27-36.] Hence, the cutting element of *Shubert* is not a rearward facing sharp point, as is recited in claim 1 of the present application.

Accordingly, while there is a clear structural difference between the present invention and *Shubert*’s disclosure, Applicant respectfully requests withdrawal of the anticipation rejections.

Obviousness

Claims 1-3 also stand rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over *Shubert*, both alone and in view of *Hovick*. Applicant respectfully requests reconsideration in view of the following remarks.

Even if it is proper to combine the teachings of *Shubert* and *Hovick*, such a combination would do little to advance the teachings of *Shubert* toward the invention of Applicant’s claim 1. Like *Shubert*, *Hovick*’s instrument also has a moving assembly that extends an otherwise-retracted cutter such that, when the tip is pushed out by a piston-like rod or wire, the fetal membranes are ruptured by scratching with a perpendicular point rather than a rearward facing point. [Refer to *Hovick*’s col. 2, line 24, and col. 3, lines 52-65.]

Not only is the rearward-oriented point not taught by either reference, it would be counter-intuitive to a physician using such piston-revealed cutters. In addition to the prior comments about *Shubert*’s “direction indicating portion 36,” *Shubert*’s description further clarifies that its “cutter element 30 is exposed into a cutting position ... and the cutter portion 32 thereof will move in a direction **tangent to** the external surface of the amniotic sac thus minimizing the danger to the fetus contained therein.” [Col. 2, line 71, to col. 3, line 8, emphasis added.] Such description makes it clear that *Shubert*’s focus is to engage the amniotic sac using a tangential motion perpendicular to the direction of the physician’s fingers, to help further protect the fetus within. Hence, neither reference could suggest the combination of a rearward-facing point with all the other elements of Applicant’s claimed invention.

In view of all the foregoing, Applicant respectfully submits that the office action does not set for the required *prima facia* case of obviousness and that the invention as claimed in claim 1 of the present application is allowable.

Drawings

In response to the comment about the drawings not being found, please enter the enclosed set of drawings which are the same as those originally submitted.

Other Rejections and Possible Objections

While each of the dependent claims is dependent either directly or indirectly on claim 1, Applicant respectfully submits that each of such claims is likewise allowable.

Applicant requests that any formality objections extant be held in abeyance, pending the indication of allowable subject matter.

Closing

Accordingly, all rejections being obviated, traversed or rendered moot, Applicant submits that this application is in condition to be passed to issue. The Examiner is invited to call Applicant's undersigned counsel if she believes that so doing will expedite passing this case to issue. Action to this end is respectfully requested and earnestly urged.

Respectfully submitted,

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